AMENDMENTS TO THE DRAWINGS:

Fig. 8 has been amended to include the legend "Prior Art" to indicate its status as prior art.

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claims 1, 4, 8 and 10 in order to further clarify the subject matter of the present invention and to correct any inadvertent errors. In addition, Fig. 8 has been amended to indicate that the figure represents prior art.

Applicants note with appreciation the indication of allowable subject matter recited in claims 8 and 18 of the present invention.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 3 And 13 Under 35 U.S.C. § 112

Claims 3 and 13 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the phrase "wherein the rotor hub and the rotor-side bearing member *are made of a same material* and formed integrally" lacks support in the specification.

However, the passage on page 11, line 27-page 12, line 4 of the specification states "here, rotor hub 2 and rotor-side bearing member 3 *need not be made as separate components*". This phrase can be interpreted to support the claim limitation that the rotor hub and rotor-side bearing member are made of the same material. If two elements are not made as separate components, then logic dictates that they are made as the same component, and therefore made of the same material. While the Examiner suggests that the component need not be homogeneous in its composition, there is ***no indication that the component is not*** homogeneous. Thus, the

specification does support the claim limitation that the rotor hub and the rotor-side bearing member are made of a same material. Accordingly, Applicants respectfully request that the § 112 rejection of claims 3 and 13 be withdrawn.

III. The Rejection Of Claims 1 And 2 Under 35 U.S.C. § 102

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hisabe et al. (EP 0 392 500). Applicants respectfully submit that Hisabe fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, amended claims 1 and 10 both recite, in-part, a spindle motor comprising: a chassis having a protruding portion in an area around the support column, and a height of the protruding portion is greater than a height of the stator-side bearing member; and wherein the protruding portion is disposed outside the fluid bearing.

In contrast to the present invention, Hisabe fails to disclose that the protruding portion is disposed outside the fluid bearing. As can be seen, for example, in Fig. 1 of Hisabe, the protruding portion 2 is located inside the stator-side bearing member 3, 3b and/or 4 and the rotor-side bearing member 7, together which comprise the fluid bearing. However, the present invention discloses that the protruding portion 8a is disposed ***outside*** the fluid bearing, comprised of the stator-side bearing member 6 and the rotor-side bearing member 3 (see, for example, Fig. 1 of the present invention). As such, Applicants respectfully submit that Hisabe does not anticipate claims 1 and 10 of the present invention.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently in a prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), and Hisabe does not disclose a spindle motor

comprising: a chassis having a protruding portion in an area around the support column, and a height of the protruding portion is greater than a height of the stator-side bearing member; and wherein the protruding portion is disposed outside the fluid bearing. Therefore, it is clear that Hisabe fails to anticipate amended claims 1 and 10 or any dependent claims thereon, and Applicant respectfully requests that the § 102 rejection be traversed.

IV. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 10 are patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

V. Conclusion

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 20277 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/NDM:kap
Facsimile: 202.756.8087
Date: October 17, 2006